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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,884	11/21/2000	Dale F. McIntyre	81670RLO	2344

1333 7590 08/25/2004

PATENT LEGAL STAFF
EASTMAN KODAK COMPANY
343 STATE STREET
ROCHESTER, NY 14650-2201

EXAMINER

LAMB, TWYLER MARIE

ART UNIT PAPER NUMBER

2622

DATE MAILED: 08/25/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/718,884

Applicant(s)

MCINTYRE, DALE F.

Examiner

Twyler M. Lamb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Sternberg et al. (Sternberg) (US 6,763,148).

With regard to claim 1, Sternberg discloses a method (col 1, lines 12-15) of analyzing an image provided by a user to determine the likelihood of user interest in materials related to products of third parties and sending such materials for display or printing for the user, comprising: a) scanning a hard copy of an image provided by a user to provide a digital image and sending such image to a memory location (col 16, line 42 – col 17, line 9); b) automatically analyzing the scanned digital image to determine the likelihood that materials related to products will be of interest to the user

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by recognizing features which relate to the product of users, such features being selected from the group consisting of product trademarks, product trade dress, and other products which are related to the third party products (col 17, lines 10-30); and c) selecting one or more items of product materials based on their likelihood of interest to the user and sending them to the user for display or printing (col 13, lines 29-32).

With regard to claim 2, Sternberg also discloses further including the step of printing the received user image (col 60, lines 24-25).

With regard to claim 3, Sternberg also discloses wherein the scanning is provided by a film scanner or a hard copy printer scanner (col 16, line 42 – col 17, line 9).

With regard to claim 4, Sternberg also discloses further including collecting information about the user and storing such information in a database where it can subsequently be sent to third parties (col 59, lines 17-55; col 62, lines 5-35).

With regard to claim 5, Sternberg discloses a method (col 1, lines 12-15) of printing an image and analyzing such image to determine the likelihood of user interest in materials that can be sent for display or printing for the user, comprising: a) scanning a hard copy of an image provided by a user to provide a digital image and sending such image to a memory location (col 16, line 42 – col 17, line 9); b) receiving the digital image from the memory location and printing such digital image (col 13, lines 29-32); c) automatically analyzing the image to determine the likelihood that materials in a set will be of interest to the user (col 17, lines 10-30); and d) automatically selecting one or

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more items of materials based on their likelihood of interest to the user and sending them to the user for display or printing (col 13, lines 29-32).

With regard to claim 6, Sternberg also discloses wherein the scanning is provided by a film scanner or a hard copy printer scanner (col 16, line 42 – col 17, line 9).

With regard to claim 7, Sternberg also discloses wherein steps a), b) and c) are provided in a kiosk (col 61, lines 34-45).

With regard to claim 8, Sternberg also discloses wherein the method is practiced in a kiosk (col 61, lines 34-45).

With regard to claim 9, Sternberg also discloses wherein the one or more items of materials are printed by the kiosk (col 61, lines 34-45).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler Lamb whose telephone number is 703 - 308-8823. The examiner can normally be reached on M-TH (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 703-308-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9314 for After Final communications.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 872-9314

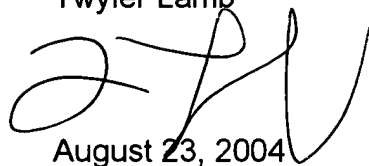
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(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two
2121 Crystal Drive
Arlington. VA.
Sixth Floor (Receptionist)

Twyler Lamb

A handwritten signature in black ink, appearing to be 'Twyler Lamb', written over the printed name and date.

August 23, 2004

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.